

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

Duane Oreskovic Sr.,
Debtor.

Chapter 13
23-24034

Objections to Motion to Continue Stay
Due: September 25, 2023

Hearing on Timely-Filed Objections:
September 26, at 11:30 a.m.

**MOTION TO CONTINUE AUTOMATIC STAY
PURSUANT TO 11 USC § 362(c)(3)**

NOW COMES Jill M. Campo of Miller and Miller Law, LLC, attorneys for the Debtor, **Duane Oreskovic**, to move this Honorable Court for entry of an Order Continuing the Automatic Stay pursuant to 11 USC § 362(c)(3), and in support thereof, states as follows:

1. Debtor, **Duane Oreskovic**, filed the above-captioned Chapter 13 Bankruptcy on **September 1, 2023**.
2. Debtors had one (1) bankruptcy case pending within the twelve months preceding the filing of this case.
3. Debtor's prior bankruptcy case (**22-21561-kmp**) was filed, pursuant to Chapter 13, Title 11 of the United States Bankruptcy Code on **April 12, 2022**, in this district, and was dismissed **on October 26, 2022**, for failure to make plan payments.
4. During his last case, Debtor was receiving social security, but required additional income to afford his plan payments, but was unable to hold down a steady job.
5. Also, Debtor's wife had recently passed away prior to 22-21561 and Debtor was not used to managing his finances.
6. Debtor has received a substantial increase in social security payments since the last case.

7. Debtor also appointed his daughter as durable power of attorney to manage his finances, pay his bills, etc.
8. In addition, Debtor is only attempting to save one property in this case. The other property will be surrendered or sold. This will further ensure the affordability in the current case.
9. Debtor needed to refile a new case in order to save the property from tax foreclosure.
10. This change in circumstance means that the Debtor has filed the current case with the good faith belief that he will be able to complete this case.
11. Debtor needs to file this case in order to save his property.
12. Debtor's budget supports his plan payment.
13. Debtor's declaration in support of this motion accompanies its filing.

Wherefore, debtor, Duane Oreskovic, by counsel respectfully asks that this Court will enter an order continuing the automatic stay as to each creditor.

Respectfully submitted,

/s/ Jill M. Campo

Jill M. Campo, 1055099

Miller and Miller Law, LLC, Attorneys for Debtor

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EASTERN DISTRICT OF WISCONSIN**

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NOTICE OF MOTION TO CONTINUE AUTOMATIC STAY

To all creditors and parties in interest:

The debtor, by the undersigned attorney, in the above-captioned case has filed a Motion to Continue the Automatic Stay. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, then on or before the objection date stated above, you or your attorney must file a written objection and it must be received by September 25, 2023, at:

*Clerk, United States Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581*

You must also mail a copy to:

1. US Trustee, 517 E. Wisconsin Ave, Milwaukee, WI 53202;
2. Scott Lieske, PO Box 510920, Milwaukee, WI 53203;
3. Jill M. Campo, 633 W Wisconsin Ave, Ste 500, Milwaukee, WI 53209-1918.

in time for its receipt by the above deadline. If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

The hearing noted above will be held unless the Court cancels it or issues an order fully adjudicating the motion before the hearing.

The Court will hold a hearing on any timely-filed objection. The Court also will hold a hearing in the absence of an objection unless the debtor files and affidavit or declaration that proves an adequate evidentiary basis for concluding that the debtor has met their burden to prove they commenced this case in good faith as required by 11 U.S.C. Sec. 362(c)(3)(B). If there is no timely objection and the Court finds an adequate evidentiary basis, the Court may cancel the hearing and adjudicate the motion based on the debtor's submissions.

The hearing will take place before **Judge Katherine M. Perhach**, United States Bankruptcy Judge, in the United States Courthouse at 517 E Wisconsin Avenue, Milwaukee, Wisconsin, in Room **167** at the hearing date and time above.

The debtor, debtor's counsel, and the objecting party and/or their counsel must attend the hearing.

September 8, 2023

/s/ Jill M. Campo
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